

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7948 of 2016

- Suraj Jagat S/o Late Basant Jagat, Aged About 19 Years
Occupation- Halwai, R/o E. A. C. Colony, Behind Collectors
Campus, Post Office- Raipur, Police Station Civil Line, Raipur,
Tahsil And District- Raipur Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police
Station Civil Line, District- Raipur Chhattisgarh.

---- **Respondent**

For Applicant : Mr Shivendu Pandya, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-12-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 3-8-2016 in connection with Crime No. 283 of 2016, registered at Police Station Civil Line, District Raipur (CG) for the offence punishable under Sections 457 & 380 of the IPC.
2. Case of the prosecution, in brief, is that on 17-5-2016 complainant Pradeep Kumar Yadav went to Baloda Bazar along with his family members where he received information that the lock of the main door of his house was broken. When he came to his house he saw that the lock of the main door of his house was broken and almirah was also broken whereby two gold chains, silver ornaments and cash Rs.10,000/-, total worth Rs.45,000/- were stolen. Subsequently, present applicant was arrested and on his

memorandum statement, goods were recovered and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the goods which were seized did not tally with the stolen articles, there is variation in the seized goods and the same have not been identified, therefore, the applicant has been falsely implicated in the case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 3-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that all the receipts of the stolen goods were produced wherein weighment of the stolen goods were tallied with the receipts.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case and further considering the seizure memo from which it appears that the seized goods were tallied with the receipts, this court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju